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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON

6 UNITED STATES OF AMERICA,)
7 Plaintiff,) NOS. CR-06-2143-WFN-1
8) CR-01-2065-WFN-1
9 -vs-) ORDER
10 TIBURCIO SANTANA-LOSANO,)
11 Defendant.)

12 Pending before the Court is the Defendant's Motion to Dismiss, filed October 24, 2006
13 (CR-06-2143 Ct. Rec. 17). The Defendant is represented by Rebecca Pennell; Assistant
14 United States Attorney Gregory Shogren represents the Government. As set forth in
15 Defendant's Motion and conceded by the Government, Defendant's 2005 deportation
16 proceedings did not comport with due process. Defendant was prejudiced by the defects in
17 his deportation proceeding because he was not advised he may have been eligible for
18 "fast-track" voluntary departure. Given the prejudicial flaws in Defendant's deportation
19 proceeding, the current Indictment must be dismissed. According to communications with
20 Court staff on October 24, 2006, the parties agree that the Indictment in case number
21 CR-06-2143-WFN-1 should be dismissed with prejudice.

22 The Court has reviewed the file and Defendant's Motion to Dismiss and is fully
23 informed. Accordingly,

24 **IT IS ORDERED** that:

25 1. Defendant's Motion to Dismiss, **CR-06-2143- Ct. Rec. 17**, filed October 11, 2006,
26 is **GRANTED**.

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE